

CSD 1184 [07/01/18]

Name, Address, Telephone No. & I.D. No.

Barnes & Thornburg LLP
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San Diego, California 92101
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Attorneys for SREIT 4820 Indianapolis Drive, L.L.C.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re
HYPERIKON, INC.

BANKRUPTCY NO. 21-01776-LT7

Tax I.D.(EIN)#: 45-3359660 /S.S.#:XXX-XX-____ Debtor.

REQUEST AND NOTICE OF HEARING¹

TO: Leonard J. Ackerman
Chapter 7 Trustee
6977 Navajo Road, #124
San Diego, CA 92119

RE: MOTION FILED ON BEHALF OF [insert name of moving party] Leonard J. Ackerman, Chapter 7 Trustee**You are notified that** SREIT 4820 Indianapolis Drive, L.L.C.

the undersigned party in interest, hereby objects to your Motion [or Notice of Intent] and requests a hearing pursuant to your Notice of Motion [or Intent] to take the following action [insert description from Notice]:

Allow administrative tax liabilities on account of the bankruptcy estate's federal and state income tax returns as an administrative expense pursuant to 11 U.S.C. Section 503(b)(1)(B) and/or 11 U.S.C. Section 503(b)(1)(C). Trustee also seeks court authority to pay federal and state taxes from the bankruptcy estate as they become due to the bankruptcy estate during the administration of this bankruptcy case pursuant to 11 U.S.C. Section 507(a)(2).

Your Notice fixed November 15, 2021² as the last date for serving and filing this Request and Notice of Hearing and the accompanying Declaration³ in Opposition to Motion [Notice of Intent]. The Opposing Party is [check one]:

☐ Debtor ☐ United States Trustee ☐ Trustee
☒ Creditor ☐ Other (specify):

You are further notified that a hearing will be held in Department 3, Room 129, of the Jacob Weinberger United States Courthouse, located at 325 West F Street, San Diego, California 92101-6991, on December 9, 2021 at 10:00 a.m., or as soon thereafter as it can be held.

DATED: November 15, 2021

/s/ Jonathan J. Boustani, Barnes & Thornburg LLP
[Attorney for] Opposing Party

¹DO NOT USE THIS FORM FOR REQUESTING A HEARING ON MOTION FOR RELIEF FROM STAY. USE LOCAL FORM CSD 1186 INSTEAD.²IMPORTANT NOTICE: Before this date, YOU MUST FILE the original and one copy of this Request and Notice of Hearing together with your Declaration in Opposition with Proof of Service with the Clerk of the Bankruptcy Court at the address shown above, and serve a copy of the papers on the moving party. You may obtain a hearing date and time from the Court by calling the number specified in the Notice of Motion [or Intent].³NOTE: This form merely notices the hearing and places it on the Court's calendar. Additional declarations, points and authorities, etc., may be necessary, since the Court expects full compliance with LBR 9013-7(b).

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

That on 15th day of November, 2021, I served a true copy of this REQUEST AND NOTICE OF HEARING, together with the following pleadings [describe any other papers] on the following persons listed below by the mode of service shown below:

List additional papers: OBJECTION TO TRUSTEE'S NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING [ECF NO. 124]; DECLARATION OF JONATHAN J. BOUSTANI IN OPPOSITION TO TRUSTEE'S NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING [ECF NO. 124]

1. To Be Served by the Court via Notice of Electronic Filing ("NEF"):

Under controlling Local Bankruptcy Rules(s) ("LBR"), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On November 15, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

☒ Attorney for Moving Party:
Roberta S. Robinson:
RRobinson@kirbymac.com

☐ Attorney for Debtor, if required:

☒ Chapter 7 Trustee: Leonard J. Ackerman: ljabkatty@gmail.com

☒ For Chpt. 7, 11, & 12 cases:
UNITED STATES TRUSTEE
ustp.region15@usdoj.gov

☐ For ODD numbered Chapter 13 cases:
THOMAS H. BILLINGSLEA, JR., TRUSTEE
Billingslea@thb.coxatwork.com

☐ For EVEN numbered Chapter 13 cases:
DAVID L. SKELTON, TRUSTEE
admin@ch13.sdcoxmail.com
dskelton13@ecf.epiqsystems.com

2. Served by United States Mail:

On _____, I served the following person(s) and/or entity(ies) at the last known addresses (es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows:

☐ Attorney for Moving Party:

☐ Attorney for Debtor, if required:

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3. **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail:**

Under Fed.R.Civ.P.5 and controlling LBR, on November 15, 2021, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows:



Attorney for Moving Party:
Roberta S. Robinson; Kirby & McGuinn
707 Broadway, Suite 1750; San Diego, CA
92101 (Fedex overnight)



Attorney for Debtor, if required:

United States Trustee
Attn: Haeji Hong
880 Front Street, Suite 3230
San Diego, CA 92101
(Fedex overnight)

Clerk of the U.S. Bankruptcy Court
325 West F Street
San Diego, CA 92101
(Fedex overnight)

Chapter 7 Trustee
Leonard J. Ackerman
6977 Navajo Road, #124
San Diego, CA 92119 (Fedex overnight)

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on November 15, 2021
(Date)

Monica Hampton Monica Hampton
(Typed Name and Signature)

2029 Century Park East, Suite 300
(Address)

Los Angeles, CA 90067
(City, State, ZIP Code)